



House of Representatives

General Assembly

File No. 653

January Session, 2011

House Bill No. 6488

House of Representatives, April 28, 2011

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE FORM OF CONVEYANCE OF LAND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 47-5 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) All conveyances of land shall be: (1) In writing; (2) if the grantor
4 is a natural person, subscribed, with or without a seal, by the grantor
5 with his own hand or with his mark with his name annexed to it or by
6 his attorney authorized for that purpose by a power executed,
7 acknowledged and witnessed in the manner provided for conveyances
8 or, if the grantor is a corporation, limited liability company or
9 partnership, subscribed by a duly authorized person; (3)
10 acknowledged by the grantor, his attorney or such duly authorized
11 person (A) to be his free act and deed, or (B) in any manner permitted
12 under chapter 6 or chapter 8; and (4) attested to by two witnesses with
13 their own hands.

14 (b) In addition to the requirements of subsection (a) of this section,

18 Name of Owner of Record
19 By: (Signature of Attorney-in-Fact) L.S.
20 Name of Signatory
21 His/Her Attorney-in-Fact

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	47-5
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JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Attorney General	GF - Savings	Potential Minimal	Potential Minimal

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 12 \$	FY 13 \$
Various Municipalities	Savings	Potential Minimal	Potential Minimal

Explanation

The bill removes a source of legal challenges that could be made against land conveyances. This could result in a potential minimal savings of less than \$10,000 per litigation to the state and municipalities for land purchase transactions.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6488*****AN ACT CONCERNING THE FORM OF CONVEYANCE OF LAND.*****SUMMARY:**

This bill allows execution of the deed in a real estate conveyance if the signer's acknowledgment is made in conformance with the Uniform Acknowledgment Act (Chapter 6 of the Connecticut General Statutes) or the Uniform Recognition of Acknowledgments Act (Chapter 8). It provides these alternatives to the requirement in current law that the signer acknowledge that the execution of the deed is his or her "free act and deed."

By expanding deed acknowledgment options, the bill reduces defective acknowledgments and thus deeds suffering from conveyance defects whose validity can be challenged for up to two years after the deed is recorded (CGS § 47-36aa).

EFFECTIVE DATE: October 1, 2011

EXPANDED ACKNOWLEDGMENTS

The bill's alternative acknowledgments require executing an instrument:

1. "for the purposes therein contained" (CGS § 1-34) or
2. "for the purposes therein stated" (CGS § 1-61).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 44 Nay 0 (04/12/2011)